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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/609,777 | 07/05/2000 | Bertram V. Burke | EPC-25C | 4111 |

7590 08/13/2003

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EXAMINER

QUELLETTE, JONATHAN P

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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3629

DATE MAILED: 08/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

09/609,777

Applicant(s)

BURKE, BERTRAM V.

Examiner

Jonathan Ouellette

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 7/5/2000, 2/8/2001, and 11/6/2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15, 17-19, 21 and 31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15, 17-19, 21 and 31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Priority

1. An Application in which the benefits of an earlier application are desired must contain a specific reference to the specification (37 CFR 1.78). The instant application does not so reference all the application mentioned in the declaration.

Specification

2. The title is objected to as words such as “improved should not be used in patent application titles.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted steps are in Independent Claim 1 which states “... applying at least part of the to an account predetermined on the basis of said identifier....”
5. Claims 2-12 are rejected, as they are dependent on a rejected independent Claim.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
7. Claims 1-15, 17-19, 21 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Winn-Dixie ("Winn-Dixie and the Salvation Army Team Up to Fight Hunger Across the Sunbelt," PR Newswire, January 19, 1989) in view of Fukatsu (US 5,302,811).
8. As per independent Claims 1 (as understood by the examiner), 13, and 31, Winn-Dixie discloses a system (POS operating method) comprising: an entry station (remote input) for entering an amount corresponding to a sum being offered in a transaction; a calculating device in the remote input for recording an excess from amounts in the transaction; a processor remote from said entry station and responsive to said input for applying at least a part of the excess to an account on the basis of said identifier; and said accounts being identified independent of data in the remote input ("Winn-Dixie and the Salvation Army Team Up to Fight Hunger Across the Sunbelt," PR Newswire, January 19, 1989).
9. Winn-Dixie fails to expressly disclose wherein said entry station including a card reader or a keyboard for receiving an identifier that identifies a transactor in the transaction.

10. However, Fukatsu teaches wherein said entry station including a card reader or a keyboard for receiving an identifier that identifies a transactor in the transaction (Abstract, Fig 2, Fig 19, Fig 20A-20B, C2 L35-49, C3 L49-66, Claim 2).
11. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included wherein said entry station including a card reader or a keyboard for receiving an identifier that identifies a transactor in the transaction, as disclosed by Fukatsu in the system disclosed by Winn-Dixie, for the advantage of providing a donation system with the ability to track the customers donations and preferences through the use of customer identification cards.
12. As per Claims 2 and 15, Winn-Dixie and Fukatsu disclose wherein applying means includes apportioning means for apportioning at least part of the excess of predetermined accounts to one or more accounts selected from a plurality of accounts (determined by the card identifier) (Winn-Dixie: "Winn-Dixie and the Salvation Army Team Up to Fight Hunger Across the Sunbelt," PR Newswire, January 19, 1989) (Fukatsu: Abstract, Fig 2, Fig 19, Fig 20A-20B, C2 L35-49, C3 L49-66, Claim 2).
13. As per Claim 3, Winn-Dixie and Fukatsu disclose wherein said remote input means includes a display for displaying the excess and remains ("Winn-Dixie and the Salvation Army Team Up to Fight Hunger Across the Sunbelt," PR Newswire, January 19, 1989).
14. As per Claim 4, Winn-Dixie and Fukatsu disclose wherein printout means prints out the status of each of the accounts ("Winn-Dixie and the Salvation Army Team Up to Fight Hunger Across the Sunbelt," PR Newswire, January 19, 1989).

15. As per Claims 5 and 17, Winn-Dixie and Fukatsu disclose wherein said identifier entering means includes means for entering changes in the apportionment (“Winn-Dixie and the Salvation Army Team Up to Fight Hunger Across the Sunbelt,” PR Newswire, January 19, 1989).
16. As per Claims 6 and 18, Winn-Dixie and Fukatsu disclose wherein said apportioning means includes means for allocating a portion of the excess to charity donee accounts with each apportionment (“Winn-Dixie and the Salvation Army Team Up to Fight Hunger Across the Sunbelt,” PR Newswire, January 19, 1989).
17. As per Claims 7 and 19, Winn-Dixie and Fukatsu disclose wherein said apportioning means includes means for transferring the portion of the excess for the charity donee account directly to the charity donee with each apportionment (“Winn-Dixie and the Salvation Army Team Up to Fight Hunger Across the Sunbelt,” PR Newswire, January 19, 1989).
18. As per Claim 8, Winn-Dixie and Fukatsu fail to expressly disclose wherein said apportionment means includes: charity storage means for storing names of a plurality of qualified charities; bank storage means for storing names of a number of banks; accounts storage means for storing numbers of client accounts; entry means for entering the names of charities and banks so as to establish an entered name for each entry of a name; comparison means responsive to said storage means and said entry means for comparing each entered name with a stored name to determine if the entered name matches a stored name; assignment means responsive to said comparison means for assigning a charity or a bank to an account when the charity or the bank has been entered; recording means

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responsive to said account storage means for recording money entries into said accounts; and allocating means responsive to said account storage means for registering an allocation of parts of monies recorded in accounts among the charities and banks entered for that account ("Winn-Dixie and the Salvation Army Team Up to Fight Hunger Across the Sunbelt," PR Newswire, January 19, 1989).

19. However, Winn-Dixie does disclose wherein the Salvation Army will be responsible for identifying the neighborhood of the greatest need and distributing the charitable donations.
20. Official notice is given that automated methods of tracking charitable funds (donations and distribution) were well known at the time the invention was made. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include wherein said apportionment means includes: charity storage means for storing names of a plurality of qualified charities; bank storage means for storing names of a number of banks; accounts storage means for storing numbers of client accounts; entry means for entering the names of charities and banks so as to establish an entered name for each entry of a name; comparison means responsive to said storage means and said entry means for comparing each entered name with a stored name to determine if the entered name matches a stored name; assignment means responsive to said comparison means for assigning a charity or a bank to an account when the charity or the bank has been entered; recording means responsive to said account storage means for recording money entries into said accounts; and allocating means responsive to said account storage means for registering an allocation of parts of monies recorded in accounts among the

charities and banks entered for that account , as disclosed by Fukatsu in the system disclosed by Winn-Dixie, for the advantage of providing a donation system with the ability to track the charitable donations and distribution of said donations.

21. As per Claim 9, Winn-Dixie and Fukatsu disclose wherein said identifier means includes receiving means for receiving a card having data including the account (“Winn-Dixie and the Salvation Army Team Up to Fight Hunger Across the Sunbelt,” PR Newswire, January 19, 1989) (Winn-Dixie: “Winn-Dixie and the Salvation Army Team Up to Fight Hunger Across the Sunbelt,” PR Newswire, January 19, 1989) (Fukatsu: Abstract, Fig 2, Fig 19, Fig 20A-20B, C2 L35-49, C3 L49-66, Claim 2).
22. As per Claims 10 and 21, Winn-Dixie and Fukatsu disclose wherein said apportioning means includes a central processor remote from the entry means for receiving data from the (card identifier) entry means (“Winn-Dixie and the Salvation Army Team Up to Fight Hunger Across the Sunbelt,” PR Newswire, January 19, 1989) (Winn-Dixie: “Winn-Dixie and the Salvation Army Team Up to Fight Hunger Across the Sunbelt,” PR Newswire, January 19, 1989) (Fukatsu: Abstract, Fig 2, Fig 19, Fig 20A-20B, C2 L35-49, C3 L49-66, Claim 2).
23. As per Claim 11, Winn-Dixie and Fukatsu disclose printout means coupled to said entry means, said card entering means, and said applying means for printing out the amounts entered and applied (“Winn-Dixie and the Salvation Army Team Up to Fight Hunger Across the Sunbelt,” PR Newswire, January 19, 1989) (Winn-Dixie: “Winn-Dixie and the Salvation Army Team Up to Fight Hunger Across the Sunbelt,” PR Newswire, January

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19, 1989) (Fukatsu: Abstract, Fig 2, Fig 19, Fig 20A-20B, C2 L35-49, C3 L49-66, Claim 2).

24. As per Claim 12, Winn-Dixie and Fukatsu disclose wherein the card identifies the relationship of apportioning among accounts independent of the data in the entry means ("Winn-Dixie and the Salvation Army Team Up to Fight Hunger Across the Sunbelt," PR Newswire, January 19, 1989) (Winn-Dixie: "Winn-Dixie and the Salvation Army Team Up to Fight Hunger Across the Sunbelt," PR Newswire, January 19, 1989) (Fukatsu: Abstract, Fig 2, Fig 19, Fig 20A-20B, C2 L35-49, C3 L49-66, Claim 2).

25. As per Claim 14, Winn-Dixie and Fukatsu disclose wherein said applying step returning any remains from the excess, after applying ("Winn-Dixie and the Salvation Army Team Up to Fight Hunger Across the Sunbelt," PR Newswire, January 19, 1989).

Conclusion

26. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

27. The following foreign patent is cited to show the best foreign prior art found by the examiner:

European Pat. No. EP 623235 A1 to Reinikainen

Reinikainen discloses a Card based method of making and collecting donations - distributing cards with bar coded information which can be scanned by EPOS systems to collect money for charity via the retailer.

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28. Additional Literature has been referenced on the attached PTO-892 form, and the

Examiner suggests the applicant review these documents before submitting any amendments.


29. Any inquiry concerning this communication or earlier communications from the

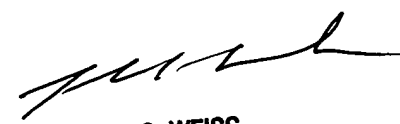
examiner should be directed to Jonathan Ouellette whose telephone number is (703) 605-0662. The examiner can normally be reached on Monday through Thursday, 8am - 5:00pm.

30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John Weiss can be reached on (703) 308-2702. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-3597 for After Final communications.

31. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-5484.


jo
July 29, 2003


JOHN G. WEISS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600